

MICHAEL E. DERGOSITS (SBN 118206)
TEDDY K. JOE (SBN 242589)
DERGOSITS & NOAH LLP
Three Embarcadero Center, Suite 410
San Francisco, CA 94111
Telephone: (415) 705-6377
Facsimile: (415) 750-6383
Email: mdergosits@dergnoah.com
Email: tjoe@dergnoah.com

Attorneys for Plaintiffs

VINOVAION, INC. and
OENOVATION INTERNATIONAL LLC

ROTHWELL, FIGG, ERNST &
MANBECK, P.C.
R. Danny Huntington (*pro hac vice*)
1425 K Street, N.W. Suite 800
Washington, D.C. 20005
Main No.: (202) 783-6040
Fax No.: (202) 783-6031
Email: dhuntington@rfem.com

LAW OFFICE OF JUDITH S.H. HOM
JUDITH S.H. HOM (SBN 203482)
236 West Portal Ave. #500
San Francisco, CA 94127
Telephone: (415) 845-6220
Facsimile: (415) 665-5933
Email: jshom@me.com

Attorneys for Defendant
VA FILTRATION USA LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

VINOVAION, INC., a California
corporation, and OENOVATION
INTERNATIONAL LLC, a California
corporation,

Plaintiffs,

v.

VA FILTRATION USA LLC, a California
corporation,

Defendant.

Civil Action No.: 3:06-cv-02026-JSW

**STIPULATED REQUEST FOR ORDER
ENLARGING TIME PURSUANT TO
CIVIL L.R. 6-2**

AND ORDER THEREON

WHEREAS, a Case Management Conference was held for this case on August 7, 2009; and the Court issued an Amended Order Scheduling Trial and Pretrial Matters on August 11, 2009 (D.I. 49);

WHEREAS, a Stipulated Request for an Order Enlarging Time pursuant to Civil L.R. 6-2 was filed on August 14, 2009 (D.I. 52) and the Order granted on August 17, 2009 (D.I. 54);

WHEREAS, a Stipulated Request for an Order Enlarging Time pursuant to Civil L.R. 6-2 was filed on October 19, 2009 (D.I. 55) and the Order granted on October 20, 2009 (D.I. 56);

WHEREAS a Stipulated Request for an Order Enlarging Time pursuant to Civil L.R. 6-2 was filed on October 30, 2009 (D.I. 57) and the Order granted on November 2, 2009 (D.I. 58);

WHEREAS a Stipulated Request for an Order Enlarging Time pursuant to Civil L.R. 6-2 was filed on November 9, 2009 (D.I. 59) and the Order granted on November 10, 2009 (D.I. 60);

WHEREAS, pursuant to the Court's Order Enlarging Time and the previous amended scheduling order, Defendant VA Filtration USA LLC's Invalidity Contentions pursuant to Patent L.R. 3-3 are to be served on all parties by December 9, 2009; and all parties are to exchange Proposed Terms for Construction pursuant to Patent L.R. 4-1 by December 18, 2009 and Preliminary Claim Constructions pursuant to Patent L.R. 4-2 by December 30, 2009;

WHEREAS, the parties have finalized and executed today a Memorandum of Understanding (MOU) that provides the basis of the settlement agreement and are in the process of working diligently to meet the obligations of the MOU including placing funds into escrow for settlement;

WHEREAS, the undersigned counsel, met, conferred and agreed that the dates for service of Patent L.R. 3-3 Disclosures, Patent L.R. 4-1 Terms and the Patent L.R. 4-2 Preliminary Claim Constructions should be extended for a one month period as agreed to in the MOU:

Event	Old Deadline	New Deadline
Invalidity Contentions (Patent L.R. 3-3, 3-4)	December 9, 2009	January 8, 2010
Proposed Terms for Construction (Patent L.R. 4-16)	December 18, 2009	January 18, 2010

Preliminary Claim Construction (Patent L.R. 4-4)	December 30, 2009	January 29, 2010
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WHEREAS, the Amended Order Scheduling Trial and Pretrial Matters on August 11, 2009 (D.I. 49) set the dates for service of Patent L.R. 4-3 Joint Claim Construction and Prehearing Statement due on December 4, 2009, Patent L.R. 4-4 for Discovery on Claim Construction to be complete by January 4, 2010, Patent L.R. 4-5(a) for filing and exchanging the Claim Construction Brief on January 18, 2010, Patent L.R. 4-5(b) for filing and exchanging the Response to the Claim Construction Brief on February 1, 2010, Patent L.R. 4-5(c) for filing and exchanging the Reply to the Claim Construction Brief on February 10, 2010, and the Tutorial for the Court on February 17, 2010.

WHEREAS, the undersigned counsel, met, conferred and agreed that the dates for service of Patent L.R. 4-3 Joint Claim Construction Prehearing Statement, Patent L.R. 4-4 Date to Complete Claim Construction Discovery, Patent L.R. 4-5(a) Claim Construction Brief, Patent L.R. 4-5(b) Response to Claim Construction Brief and the Patent L.R. 4-5(c) Reply to Claim Construction Brief should be extended pursuant to the MOU as follows:

Event	Old Deadline	New Deadline
Joint Claim Construction and Prehearing Statement (Patent L R. 4-3)	December 4, 2009	January 29, 2010
Last Day to Complete All Discovery Relating to Claim Construction (Patent L.R. 4-4)	January 4, 2010	February 4, 2010
Claim Construction Brief (Patent L.R. 4-5(a))	January 18, 2010	February 18, 2010
Response to Claim Construction Brief (Patent L.R. 4-5(b))	February 1, 2010	March 1, 2010
Reply to Claim Construction Brief	February 10, 2010	March 10, 2010

(Patent L.R. 4-5(c))		
Tutorial (Court Set)	February 17, 2010	TBD by Court

Other Patent Local Rule Deadlines, Patent Trial Dates, and Pretrial Dates set by the Court in its August 11, 2009 Order will not be affected.

NOW THEREFORE, IT IS STIPULATED, AGREED AND ORDERED that the date for serving Invalidity Contentions shall be extended to January 8, 2010; and the date for exchanging Proposed Terms for Construction shall be extended to January 18, 2010; date for exchanging Preliminary Claim Construction shall be extended to January 29, 2010; date for filing a Joint Claim Construction Statement shall be extended to January 29, 2010; the Last Day to Complete All Discovery Relating to Claim Construction shall be extended to February 4, 2010; date for filing and exchanging the Claim Construction Brief shall be extended to February 18, 2010; date for filing and exchanging the Response to the Claim Construction Brief shall be extended to March 1, 2010; the date for filing and exchanging the Reply to Claim Construction Brief shall be extended to March 10, 2010; and the date for the Tutorial for the Court to be reset by the Court for the date of March 24, 2010 at 1:30 p.m.; Claims Construction hearing on March 31, 2010 at 1:30 p.m.

Dated: December 9, 2009

LAW OFFICE OF JUDITH S.H. HOM

By: _____ /s/
Judith Hom

Attorney for Defendant
VA FILTRATION USA LLC

Dated: December 9, 2009

DERGOSITS & NOAH LLP

By: /s/ Michael E. Dergosits

Attorney for Plaintiffs VINOVAION, INC.
and OENOVAION INTERNATIONAL
LLC

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 10, 2009

By: 
THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE